

(b) Approval by the commission of temporary appointments shall be required before the civil service commission may certify to the legality of the payrolls upon which such names appear. Such approval should be had before employment of temporary employees begins.

(c) Approval by the commission before employment begins shall not be required in the case of an emergency placement, but each such appointment shall be reported to the civil service commission immediately.

(d) When there is a vacancy in a scientific, managerial, professional, or educational class and there is a shortage of applicants in that class, the commission may approve the appointment of an applicant recommended by the mayor upon satisfactory evidence that the applicant meets the requirements for the class and is qualified otherwise; however, the commission may require the applicant to pass either an assembled or an unassembled examination, or both, to qualify.
(Code 1968, § 12-114)

Sec. 14-115. Transfers.

(a) A department director, with the approval of the mayor, may request the civil service commission to transfer or reclassify within his department any classified employee under his jurisdiction from one position to another position in the same class with the same maximum salary. Transfer or reclassification shall not be allowed until prior approval by the civil service commission. Transfer of a classified employee from a position under the jurisdiction of one department director to a position under the jurisdiction of another department director may be made only upon approval of the civil service commission and both department directors concerned. Any transfer of an employee from a position in a lower class to a position in a class carrying a higher maximum salary shall be deemed a promotion; while any transfer from a position in a higher class to a position in a class carrying a lower maximum salary shall be deemed a demotion and neither may be accomplished except in the manner provided in these rules for making a promotion and for making a demotion. A city employee in a noncivil service position shall be neither trans-

ferred, appointed, nor promoted to a civil service position without first having been qualified by the civil service commission.

(b) When the best interests of the city may be served thereby, the commission may approve transfers, to vacancies, of employees who are about to be displaced for reasons not reflecting upon the efficiency, character, conduct or capacity of those employees.
(Code 1968, § 12-115; Ord. No. 05-91, § 1, 1-25-05)

Sec. 14-116. Procedure.

The director shall institute procedures and designate forms for carrying on all of the activities involved in such transactions coming under the jurisdiction of the commission.
(Code 1968, § 12-116)

Secs. 14-117—14-121. Reserved.

DIVISION 9. RULE 9. PROBATION

Sec. 14-122. Duration.

Each original appointment or reappointment to a position in the classified service shall be for a probationary period of 12 consecutive months. Each employee so appointed shall complete the 12 months probationary period, which is to be regarded as a working test period, before being considered a classified employee. Each promotion in the classified service shall be for an additional probationary period of six months, which is also to be regarded as a working test period.
(Code 1968, § 12-122)

Sec. 14-123. Service ratings during probation.

During a probationary period the department director shall observe carefully the performance and conduct of the employee and, if the conduct of the employee is not satisfactory, then the circumstances pertaining to the unsatisfactory performance shall be reported to the civil service commission.
(Code 1968, § 12-123; Ord. No. 05-91, § 1, 1-25-05)

(b) Employees who begin a leave on Monday shall be paid for the preceding Saturday and Sunday. Employees who begin a leave on Tuesday or other week day which immediately follows a council-approved holiday, or who return from a leave on the day immediately following such a holiday, shall be paid for that holiday. Saturdays, Sundays, off-days and holidays which come during a leave without pay shall be without pay, as also shall Saturdays, Sundays and off-days which terminate a leave.

(c) If an employee returns to work before his leave expires, the employee's department director shall notify promptly the human resources department in writing, and, furthermore, the employee's department director will notify the human resources department in writing if an employee fails to return on the working day next following the end of this leave. Failure to return within three days from a leave shall be taken as evidence of a resignation without notice.

(d) In time of war or emergency, an employee who serves in the uniformed military forces of the United States shall be granted a military leave without pay but shall be eligible for reinstatement to his former position only if he is able to present to the civil service commission a certificate of honorable discharge within 90 days after his discharge, is physically and mentally qualified for reinstatement, and if his services with the military forces began at or about the time he left the city's service therefor. If and when he is reinstated, he shall receive full seniority credit for the time he was absent for military service. Physical or mental incapacity to perform his former duties shall not make him ineligible for placement in some other work provided he is qualified therefor.

(e) The mayor is hereby authorized to implement a voluntary leave of absence without pay program and to develop procedures for voluntary leaves consistent with section 14-172(a) through 14-172(d) of this chapter. Any such voluntary leave of absence without pay shall be appropriately noted on each affected employee's attendance records and will in no way be regarded as an unauthorized absence or a disciplinary action, nor shall such leave affect the employee's accrual

of sick and vacation leave or eligibility for health insurance benefits. No employee's base pay or salary, as that term is defined in Art. 6243g(2)(b) Tex. Rev. Civ. Stat. Ann., shall be deemed to be reduced by the application of this subsection 14-172(e) to such employee.

(Code 1968, § 12-172; Ord. No. 88-581, § 1, 4-13-88; Ord. No. 96-1290, § 18, 12-4-96; Ord. No. 05-91, § 1, 1-25-05)

Sec. 14-173. Outside employment of employees.

The commission will not permit any member of any department to contract for, or be engaged in, any work of any kind after regular working hours for compensation, unless specifically authorized to do so by his department director, and under no circumstances will the department director approve a request permitting a member of his department to hold a full-time or part-time position which would deprive another from regular employment. The department director will be required to maintain in his office a permanent record of all outside employment which has been authorized.

(Code 1968, § 12-173; Ord. No. 05-91, § 1, 1-25-05)

Secs. 14-174—14-181. Reserved.

DIVISION 15. RULE 15. DISCIPLINARY ACTIONS GENERALLY*

Sec. 14-182. Removal; demotion; suspension.

(a) A department director may terminate, demote, reduce in pay or temporarily suspend for any period of time any non civil service employee in his department (or division), which action shall not be subject to appeal or review by the commission.

(b) A department director may, for just cause, indefinitely suspend, demote, or reduce in pay, any civil service employee in his department (or division) which action shall be subject to appeal and review by the commission pursuant to the authority vested in it by the Charter and these rules.

*Charter reference—Removal of employees, Art. Va, § 3.

(c) A department director may temporarily suspend without pay any civil service employee in his/her department (or division) for any period of time not to exceed 90 days. An employee temporarily suspended for up to 15 calendar days, shall not have a right of appeal before the commission, but civil service employees may request a review and hearing which may be granted at the discretion of the commission. An employee temporarily suspended for 16 to 90 calendar days shall have a right of appeal before the commission pursuant to the authority vested in it by the Charter and these rules.

(d) No indefinite suspension, demotion or reduction in pay of any civil service employee shall become effective until the employee has been given an opportunity by his/her department director to explain the conditions or actions which prompted consideration of one or more of these disciplinary actions. The department director shall give to the employee written notice of the indefinite suspension, demotion or reduction in pay, the effective date thereof, and the reasons or grounds for such action with a copy of the notice to the commission. The disciplinary action shall then become effective immediately, but the employee shall retain the right of appeal to the commission as prescribed in these rules. After hearing the appeal, the commission shall either sustain the action, lessen the penalty, increase the penalty, or reject the action of the department director. The decision of the commission shall be final.
(Code 1968, § 12-182; Ord. No. 05-90, § 1, 1-25-05; Ord. No. 05-91, § 1, 1-25-05)

Sec. 14-183. Violation of certain standards of conduct to result in disciplinary action.

Any civil service employee, either full- or part-time, may be disciplined under the provisions of subsections 14-182(a) and (b), for violating any of the standards of conduct enumerated and listed hereinbelow. Any noncivil service employee, either full- or part-time, may be disciplined at the discretion of the employee's department director and the mayor for violating any of the following standards of conduct:

(a) An employee shall not:

- (1) Accept or solicit any money, property, service or other thing of value by way of gift,

favor, loan or otherwise which the employee knows or should know is being offered or given with the intent to influence said employee in the discharge of official duties.

- (2) Accept or solicit any money, property, service or other thing of value from a private person or group of people in return for having exercised, performed or failed to perform official duties. Excepted from this prohibition are regularly scheduled wages and other employee benefits paid or given to an employee of a private person or company while such employee is working for the city as a loaned executive.
- (3) Engage in any business or professional activity which might tend to impair independence of judgment in the discharge of official duties.
- (4) Engage in any outside employment without first securing approval, in writing, from the department director.
- (5) Invest or hold any investment or interest directly or indirectly in any financial, business, commercial or other transaction, which creates or might reasonably tend to create a conflict between the public trust held as an employee of the city and the employee's private interests.
- (6) Disclose confidential information concerning the property, operations, policies or affairs of the city, nor use such confidential information to advance the personal interests, financial or otherwise, of said employee or others.
- (7) Use one's official position or the city's facilities, equipment or supplies, nor use or attempt to use one's official position to secure special advantage, privilege or exemption for the employee or others.
- (8) Negotiate for or accept future employment with any person, firm, association or corporation which has a substantial interest in any proposed ordinance or decision within such person's area of responsibility and upon which the employee may or must act or make a recommendation.